

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:	)	
	)	
Superior Aluminum Alloys, LLC	)	FINDING OF VIOLATION
14214 Edgerton Road	)	
New Haven, Indiana 46774	)	EPA-5-03-19-IN
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that Superior Aluminum Alloys (Superior) is violating Part 70 permit requirements and the Secondary Aluminum Production National Emission Standards for Hazardous Air Pollutants (NESHAP).

**Regulatory Authority**

**40 C.F.R. Part 63 Subpart RRR**

1. Pursuant to 40 CFR § 63.1500, the requirements of Subpart RRR apply to the owner or operator of each secondary aluminum production facility.
2. Pursuant to 40 C.F.R. § 63.1501 (a), the owner or operator of an existing affected source must comply with the requirements of this Subpart by March 24, 2003.
3. Pursuant to 40 C.F.R. § 63.1512 (b), the owner or operator must conduct a performance test to measure total hydrocarbon (THC) and dioxin and furans (D/F) emissions at the outlet of the control devices while the unit processes only unpainted aluminum chips.
4. Pursuant to 40 C.F.R. § 63.1505 (c)(2), on and after the date the initial performance test is conducted or required

to be conducted, the owner or operator of a thermal chip dryer must not discharge or cause to be discharged to the atmosphere emissions in excess of 2.50 micrograms of D/F per Mg of feed/charge.

#### Permits

5. U.S. EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57188), and the program became effective on December 14, 1995 (Part 70 program).
6. U.S. EPA promulgated the Part 70 permit program regulations under the authority of Section 502 of the Act, 42 U.S.C. § 7761a. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA under the Act.

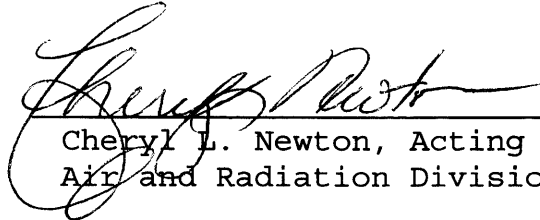
#### Superior's Facility

7. Superior owns and operates a secondary aluminum facility at 14214 Edgerton Road, New Haven, Indiana.
8. Superior owns and operates a thermal chip dryer which was constructed in 1998.
9. The Superior facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63 Subpart RRR.
10. Superior is subject to the conditions of the Part 70 operating permit number T003-11452-00286.
11. Superior conducted performance emissions testing for D/F on the thermal chip dryer on March 18, 2003.
12. The results of the testing show the thermal chip dryer is discharging an average of 7.44 micrograms of D/F per Mg of feed/charge.

Violations

13. Superior has discharged from the thermal chip dryer emissions in excess of 2.50 micrograms of D/F per Mg of feed/charge in violation of 40 C.F.R. § 63.1505 (c)(2) and condition D.3.3 (3) of the Part 70 operating permit number T003-11452-00286.

8/7/03  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-03-19-IN, by Certified Mail, Return Receipt Requested, to:

Brian Winters  
Safety and Environmental Director  
Superior Aluminum Alloys, L.L.C.  
14214 Edgerton Road  
P.O. Box 678  
New Haven, Indiana 46774

I also certify that I sent a copy of the Finding of Violation by first class mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

on the 8<sup>th</sup> day of August, 2003.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 32 33